

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

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**COMMODITY FUTURES  
TRADING COMMISSION,**

**Plaintiff,**

**v.**

**DAVID CARTU, JONATHAN CARTU,  
JOSHUA CARTU, RYAN MASTEN, LEEAV  
PERETZ, NATI PERETZ, ALL OUT  
MARKETING LIMITED, BAREIT MEDIA  
LLC D/B/A SIGNALPUSH, AND ORLANDO  
UNION, INC.,**

**Defendants.**

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**Case No: 1:20-CV-908-RP**

**NOTICE OF VOLUNTARY DISMISSAL OF DEFENDANTS DAVID CARTU,  
JOSHUA CARTU, AND ORLANDO UNION INC.**

Pursuant to Federal Rule of Civil Procedure 41, Plaintiff Commodity Futures Trading Commission notices the voluntary dismissal of its claims against Defendants David Cartu, Joshua Cartu, and Orlando Union Inc. Rule 41(a)(1)(A)(i) provides that a plaintiff may voluntarily dismiss a party without a court order by filing a “notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.”<sup>1</sup> David Cartu, Joshua Cartu, and Orlando Union Inc. have not filed an answer or motion for summary judgment in this action.

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<sup>1</sup> Although some Courts of Appeals interpret Rule 41(a) to permit only dismissal of entire actions, not individual defendants, the Fifth Circuit has not adopted this interpretation. *See Williams v. Taylor Seidenbach, Inc.*, 958 F.3d 341, 344–45 (5th Cir. 2020) (“[O]ur circuit precedents interpret ‘action’ to cover individual defendants—thus allowing plaintiffs . . . to use Rule 41(a) to dismiss individual defendants.”).

Dated: March 3, 2023

Respectfully submitted,

/s Benjamin E. Sedrish

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system.

/s Benjamin E. Sedrish